IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

Bail Appl..No. 5346 of 2007()

CRIME NO.891/07 OF MUVATTUPUZHA POLICE STATION

PETITIONER:

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1. ABDUL SALAM, S/O. ALIYAR,
   AGED 40, KUZHIKKADAVIL, MUVATTUPUZHA P.O.,
   KIZHAKKEKARA.

2. JAYAKRISHAN NAIR,
   S/O. K.S.SIVARAMAN NAIR, AGED 33,KARTHULLIL HOUSE,
   SOUTH MARADY P.O., MUVATTUPUZHA.

3. KABEER, S/O. ABDUL KHADIR,
   AGED 35, POOKADASSERIYIL, MARKET P.O.,
   MUVATTUPUZHA.

4. SAINUDHEEN, S/O. KOCHU THAMBI RAWTHER,
   AGED 45, MAROTTIKUZHIYIL HOUSE, VELLOORKUNNAM,
   EAST KADATHI, MUVATTUPUZHA.

BY ADV. SRI.WILSON URMESE
SRI.K.M.SALIM

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM (REPRESENTING
SUB INSPECTOR OF POLICE, MUVATTUPUZHA POLICE
STATION).

BY P.P. SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 5346 OF 2007

Dated this the 22nd day of October, 2007

ORDER

Application for anticipatory bail. The petitioners are accused 16 to 19. About 25 persons are stated to be the accused. Only three of them are named in the FIR. The crux of the allegations is that in connection with an agitation against the hike of the ticket price in the theatres within the limits of Muvattupuzha Municipality, the U.D.F. had staged a protest demonstration. The accused persons - about 25 in all, were alleged to have trespassed into the Municipal Office and indulged in acts of violence and mischief. Accused 1 to 15 have already been arrested and were enlarged on bail. The petitioners are not named in the F.I.R. They have now been arrayed as accused 16 to 19. They apprehend arrest.

2. The learned counsel for the petitioners submits that

the petitioners are absolutely innocent. Persons are being arrayed at the whims and fancies of the Investigating Officer. The petitioners are brought on the array only because of political rivalry and not because of they had actually taken part in the incident which had taken place. Even if it be assumed that the petitioners were present, it is the admitted case that the protesters were in peaceful demonstration; but some of them had trespassed into the premises and indulged in the acts of violence. In any view of the matter, the petitioners may be granted anticipatory bail, it is submitted.

3. The learned Public Prosecutor does not oppose the the said prayer. The learned Public Prosecutor submits that appropriate conditions may be imposed. I am satisfied, in the facts and circumstances of this case, that the petitioners can be granted anticipatory bail.

4. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioners shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 29/10/07. They shall be released on regular bail on their executing bonds for Rs.25,000/- each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 30/10/07 and 31/10/07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months. Subsequently, they shall so make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if these directions were not issued at all;

(iv) If the petitioners were arrested prior to their surrender on 29/10/07 as directed in clause (i) above, they shall be released on their executing bonds for Rs.25,000/- each without any sureties undertaking to appear before the learned Magistrate on 29/10/07.

Sd/-

(R. BASANT, JUDGE)

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//true copy// P.S. to Judge